

PROCEEDINGS OF THE COMMON COUNCIL
IN Regular SESSION

Tuesday, June 11, 19 74

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers

Tuesday evening June 11 A.D., 19 74, in Regular

Session. President Samuel J. Talarico in the chair, and

Charles W. Westerman Clerk, at the desk, present the following

members _____ viz:

Burns ✓, Hinga ✓, Kraus ✓

Moses ✓, Nuckols ✓, Donald Schmidt ✓

Vivian Schmidt ✓, Stier ✓, Talarico ✓

Absent _____

Councilmen _____, _____, _____

The invocation was given by Reverend Lowell Townsend - Taylor Chapel

United Methodist Church.

Received report from the City Controller for the month of _____,

19____. Motion made and carried that report be made a matter of record and placed on file.

The minutes of the last regular _____ special _____, 19____,
May 28 _____, 19 74,

Session having been delivered to the Council, were, on motion, approved and published.



Taylor Chapel United Methodist Church

10239 Maysville Road — Fort Wayne, Indiana 46815 — Phone (219) 749-8293
Lowell W. Townsend, Pastor

Invocation for City Council
Rev. Lowell W. Townsend
June 11, 1974

Our Father. ..How many times do we say "Our Father"
and then follow with a lot of selfish requests? We
repent of this, and in these few moments we pause
to thank you for your patience, your understanding,
your forgiveness, your sense of justice and righteous-
ness.

Now as we pray for guidance, we ask that these Godly
characteristics we've mentioned may also be ours
tonight; not that we may be called great, but that
what we do here may make for a better community.

Amen



THE CITY OF FORT WAYNE

office of the mayor

May 29, 1974

To the Common Council
Gentlemen and Mrs. Schmidt:

Today, May 29, 1974, I have approved the following ordinances passed by
Common Council at its regular meeting on May 28, 1974.

(Bill No. A-74-05-26)
APPROPRIATION ORDINANCE NO. A-10-74

AN ORDINANCE transferring certain funds from the unobligated and unappropriated
balance of the Revenue Sharing Trust Fund, Entitlement IV into Project AF.

(Bill No. S-74-05-01)
SPECIAL ORDINANCE NO. S-63-74

AN ORDINANCE approving a certain bid document with WATER EQUIPMENT CORPORATION
for equipment for the Humane Commission.

(Bill No. S-74-05-02)
SPECIAL ORDINANCE NO. S-64-74

AN ORDINANCE approving a certain bid document with HOUSE OF HONDA for Police
Department motorcycles.

(Bill No. S-74-05-03)
SPECIAL ORDINANCE NO. S-65-74

AN ORDINANCE approving a certain bid document with ALLEN COUNTY MOTORS, INC.
for utility truck for Traffic Engineering.

(Bill No. S-74-05-04)
SPECIAL ORDINANCE NO. S-66-74

AN ORDINANCE approving a contract with L. W. DAILEY, INC. for improvements in
Colonial Park Addition.

(Bill No. S-74-05-05)
SPECIAL ORDINANCE NO. S-67-74

AN ORDINANCE approving a contract with JOHN DEHNER, INC. for paving a portion
of Ley Road.

MADE A MATTER OF RECORD
DATE 6/11/74 CHARLES W. WESTERMAN, CITY CLERK

(Bill No. S-74-05-06)
SPECIAL ORDINANCE NO. S-68-74

AN ORDINANCE approving a blanket purchase order with GLADIEUX REFINERY, INC. for materials for Street maintenance.

(Bill No. S-74-05-07)
SPECIAL ORDINANCE NO. S-69-74

AN ORDINANCE approving a certain bid document with BREMER'S, INC. for industrial equipment trailers for the Park Department.

(Bill No. S-74-05-08)
SPECIAL ORDINANCE NO. S-70-74

AN ORDINANCE approving a certain bid document with POINSATTE MOTORS, INC. and DUTHLER FORD for police cars.

(Bill No. S-74-05-09)
SPECIAL ORDINANCE NO. S-71-74

AN ORDINANCE approving a certain bid document with C.A. LEHMAN & SONS, INC. for construction of building for Reservoir Park, Open Space Land Program Part II, Project OSC-1008.

(Bill No. S-74-05-10)
SPECIAL ORDINANCE NO. S-72-74

AN ORDINANCE approving a contract with ALLEN COUNTY MOTORS, INC. for purchase of 1974 Sedan for Right-of-Way Permit Engineering.

(Bill No. S-74-05-55)
SPECIAL ORDINANCE NO. S-73-74

AN ORDINANCE of the City of Fort Wayne approving Report of Fort Wayne Development Commission RE: Proposed Loan for the financing of Economic Development Facilities by Gladieux Refinery, Inc. and Authorizing the issuance and sale of Revenue Bonds and the loan of proceeds thereof to Gladieux Refinery, Inc. for the purpose of Acquiring and constructing certain industrial facilities and other matters relating thereto.

(Bill No. R-74-05-34)
RESOLUTION NO. R-34-74

A RESOLUTION authorizing the transfer of funds from Account No. 770-2-261 to Account No. 770-4-44 in the 1974 Budget of Traffic Engineering Department.

(Bill No. R-74-05-35)
RESOLUTION NO. R-35-74

A RESOLUTION authorizing the transfer of certain funds in the 1974 Budget of the Department of Human Resources.

(Bill No. R-74-05-36)
RESOLUTION NO. R-36-74

A RESOLUTION transferring certain funds from insurance proceeds to Motor Equipment in the 1974 Budget of the Police Department.

(Bill No. R-74-05-37)
RESOLUTION NO. R-37-74

A RESOLUTION transferring certain funds in the 1974 Budget of the Fire Pension Board.

(Bill No. R-74-05-38)
RESOLUTION NO. R-38-74

A RESOLUTION releasing funds from insurance proceeds for payment of Police Car #97.

(Bill No. R-74-05-39)
RESOLUTION NO. R-39-74

A RESOLUTION transferring certain sums in the 1974 Budget of Right Of Way Permit Department.

(Bill No. R-74-05-46)
RESOLUTION NO. R-40-74

A RESOLUTION authorizing the temporary advancement of funds from the General Fund to the Community Renewal Program Fund for the period ending December 31, 1974.

(Bill No. R-74-05-51)
RESOLUTION NO. R-41-74

A RESOLUTION authorizing the temporary advancement of funds from the General Fund to the Revenue Sharing Trust Fund for the period ending December 31, 1974.

(Bill No. R-74-05-53)
RESOLUTION NO. R-42-74

A RESOLUTION authorizing the Department of Community Development and Planning in the Office of the Mayor to apply for a Comprehensive Planning Grant from H.U.D.

(Bill No. R-74-05-56)
RESOLUTION NO. R-43-74

A RESOLUTION authorizing the issuance and sale of \$500,000 Economic Development Revenue Bonds, Series 1974 (Gladieux Refinery, Inc. Project) of the City of Fort Wayne, Indiana for the purpose of acquiring machinery, equipment and related property comprising economic development facilities to be constructed and operated by authorizing execution of a loan agreement to Gladieux Refinery, Inc.; providing for the pledge of revenues for the payment of said Bonds; Authorizing an indenture of trust appropriate for the protection and disposition of such revenues; and Authorizing the sale of said bonds.

(Bill No. S-74-04-28)
SPECIAL ORDINANCE NO. S-74-74

AN ORDINANCE approving a Lease Agreement with Haskell B. Schultz for off-street parking in the 1900 Block of South Calhoun Street.

(Bill No. Z-73-04-08)
ZONING MAP ORDINANCE NO. S-09-74

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. C-14.

(Bill No. Z-73-07-17)
ZONING ORDINANCE NO. Z-10-74

AN ORDINANCE amending Section 8, Article II of Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana pertaining to Parking Area Improvement.

(Bill No. G-74-05-15)
GENERAL ORDINANCE NO. G-12-74

AN ORDINANCE amending the General Ordinance No. G-97 by authorizing the vacation of a portion of Nevada Avenue in the City of Fort Wayne.

(Bill No. G-74-05-16)
GENERAL ORDINANCE NO. G-13-74

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley in the City of Fort Wayne.

(Bill No. G-74-05-48)
GENERAL ORDINANCE NO. G-14-74

AN ORDINANCE regulating unsafe buildings and premises in Allen County.

(Bill No. S-74-05-19)
SPECIAL ORDINANCE NO. S-75-74

AN ORDINANCE approving a contract with JOHN DEHNER, INC. for Phenie Street Project.

(Bill No. S-74-05-20)
SPECIAL ORDINANCE NO. S-76-74

AN ORDINANCE approving a contract with MANNING ENVIRONMENTAL CORP. for materials for W.P.C. Engineering Department.

(Bill No. S-74-05-21)
SPECIAL ORDINANCE NO. S-77-74

AN ORDINANCE approving a contract with NIEMEYER CORP. for water main extension in Tillman Road Hessen Cassel area (Trier Ridge Park).

(Bill No. S-74-05-22)
SPECIAL ORDINANCE NO. S-78-74

AN ORDINANCE approving a contract with GRAYBAR ELECTRIC COMPANY for materials for street lighting.

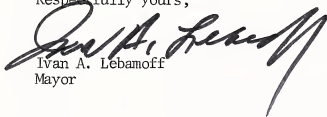
(Bill No. S-74-05-23)
SPECIAL ORDINANCE NO. S-79-74

AN ORDINANCE approving CITY UTILITIES PURCHASE ORDER NO. 4030 with UNITED STATES STEEL SUPPLY for Avondale substation.

(Bill No. S-74-05-24)
SPECIAL ORDINANCE NO. S-80-74

AN ORDINANCE approving an Agreement for construction of a sanitary sewer extension on Kinnerk Road.

Respectfully yours,



Ivan A. Lebamoff
Mayor



City of Fort Wayne

OFFICE OF THE CITY CLERK
ROOM 120, CITY-COUNTY BUILDING
ONE EAST MAIN ST., FORT WAYNE, INDIANA 46802

June 11, 1974

CHARLES W. WESTERMAN, CLERK
TELEPHONE 219-423-7183

This will confirm to the Mayor of the City of Fort Wayne and the nine members of the Common Council of the City of Fort Wayne that the office of the City Clerk has certified on the eleventh day of June, 1974, the results of the County Election Board and ex officio Board of Canvassers, Ramon S. Perry, Stephen W. Crider and Robert D. Hanson.

Said Election Board on the 10th day of June, 1974, certified to me upon request, the official results of the special election on the Referendum held on May 7, 1974. Said certificate of certification reflects the results the City of Fort Wayne voted on the question "for" and "against" the Declaratory Resolution No. R-13-74, duly adopted March 12, 1974, by you, the members of the Common Council.

The enclosed certificate of certification was delivered this date to the Honorable Ivan A. Lebamoff, Mayor of the City of Fort Wayne, together with canvass report and certificate referred to above.

The above action on behalf of the people of the City of Fort Wayne is hereby entered by spreading the enclosed results of the Declaratory Resolution and results of the referendum now official in the permanent Journal of the Common Council of the City of Fort Wayne, in regular session on June 11, 1974.

With best regards and my best wishes, and with the return of a clear majority from this referendum, I have attached hereto the results to Bill No. 74-05-49 and ordinance confirming the Declaratory Resolution R-13-74 and execution of the policy thereof and authorizing and directing the execution and performance of the contract for lease of the municipal electric utility system owned and operated by the City of Fort Wayne, Indiana, to Indiana & Michigan Electric Company. Upon legal completion of action, by me the City Clerk of Fort Wayne, I remain,

Respectfully yours,

Charles W. Westerman, City Clerk

STATE OF INDIANA)
)
COUNTY OF ALLEN) SS: CERTIFICATE
)
CITY OF FORT WAYNE)

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify to the Common Council of the City of Fort Wayne, Indiana that:

1. Pursuant to the requirements of Declaratory Resolution No. R-13-74, adopted by you on March 12, 1974, a Special Election was called and held in the City of Fort Wayne, Indiana, on May 7, 1974 in which the following referendum was submitted to the qualified voters of said city: "Are you in favor of Declaratory Resolution No. R-13-74 authorizing the lease of the municipal electric utility owned and operated by the City of Fort Wayne, Indiana, to Indiana & Michigan Electric Company?"

2. The said Special Election was called and held pursuant to notice and in accordance with all requirements of law to the best of my knowledge, information and belief.

3. The County Election Board and Ex officio Board of Canvassers of Allen County, Indiana, have certified to me that, in said Special Election, 17,589 votes were cast "FOR" and in favor of said Declaratory Resolution and 10,386 votes were cast "AGAINST" and opposed to said Declaratory Resolution; and that, accordingly, more than a majority of all the votes

cast in such election were in favor of said Declaratory Resolution.

WITNESS MY HAND AND THE SEAL OF THE CITY OF Fort Wayne, Indiana, this 11th day of June, 1974.

Charles W. Westerman

Clerk of the
City of Fort Wayne, Indiana

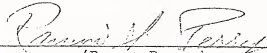


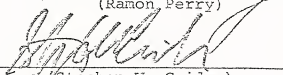
The State of Indiana, Allen County, ss;

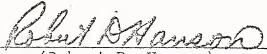
We, the undersigned, County Election Board and Ex officio Board of Canvassers, do hereby certify that the tabulation attached hereto and made a part hereof, and identified as and consisting of five "Canvassers Sheets For Special Election On Referendum," is the full, true and complete statement of the votes cast at the Special Election held in the City of Fort Wayne ("City") on May 7, 1974 "FOR" and "AGAINST" Declaratory Resolution No. R-13-74 duly adopted on March 12, 1974 by the Common Council of the City; that from said tabulation, as taken from the certificates, poll sheets and tally sheets returned by the inspectors of the precincts in the City; it is hereby further certified that 17,589 votes were cast "For" and in favor of said Declaratory Resolution at said Special Election and 10,386 votes were cast "Against" and opposed to said Declaratory Resolution; and that, accordingly, more than a majority of all the votes cast at such election were in favor of said Declaratory Resolution.

IN WITNESS WHEREOF, we hereunto subscribe our names, this

10th day of June, 1974.


(Ramon Perry)


(Stephen W. Crider)


(Robert D. Hanson)

County Election Board and
Ex officio Board of Canvassers

The State of Indiana, Allen County, ss:

The undersigned hereby certify that the tabulation herein is the complete statement of votes cast at the Special Election held on May 7, 1971, in the Precincts herein set forth in said County for General Election of President and Vice President. And from the statement of said canvass and estimate drawn up in tabular form as herein set forth, it is hereby certified.

In witness whereof, & hereunto subscribe our names, this _____ day of May, 1974.

**County Election
Board and
Ex-officio Board of
Canvassers**

Precinct	Machine	Vote	Yes	No
Wayne 101	5-15	62	27	
" 102		39	47	
" 104		147	33	
" 105		72	24	
" 106		34	18	
" 107		78	45	
" 108		39	27	
" 109		74	35	
" 110		90	64	
" 111		65	46	
" 112		29	35	
" 150	R-14	21	32	
" 151	R-15	25	49	
" 152		45	65	
" 153		82	63	
" 154		152	33	
" 155		5	6	
" 156		32	32	
" 157		55	65	
" 158		42	29	
" 159		34	54	
" 160		59	56	
" 161		42	38	
" 162		46	43	
" 201		30	137	
" 202		30	110	
" 203	A	111	53	
" 204	B	106	42	
" 205		124	110	
" 206		260	78	
" 207		191	96	
" 208		122	81	
St. Joe 209	A	138	51	
" 210	B	129	49	
Wayne 211		132	120	
St. Joe 212	A	96	42	
" 213	B	109	40	
" 214	A	162	49	
" 215	B	162	63	
Wayne 250		104	88	
" 251		115	105	
" 252		116	55	
" 253		172	100	
" 254		182	79	
" 255		167	101	
Points 256	A	88	36	
" 257	B	87	24	
St. Joe 258		118	42	
" 259		182	73	

Tract and Machine vote

		Yes	No
St. Joe 259		205	72
" 260		96	64
" 261	A	141	31
" 262	B	117	24
" 263		103	45
Wayne 301		74	53
" 302		104	42
" 303		173	40
Wash 304		83	71
" 305		56	40
" 306		158	148
" 307		147	63
" 308	A	116	56
" 309	B	95	50
St. Joe 309		121	22
" 310		106	25
Wash 311		113	68
Wayne 350		47	32
" 351		131	31
" 352		63	31
" 353		85	102
" 354		90	82
" 355	A	88	66
" 356	B	92	85
" 357		110	151
" 358		175	108
" 359	S-15	165	158
" 360		152	90
Wash 361		126	88
" 362		87	51
" 363		7	7
" 401		29	48
Wayne 402		64	68
" 403	S-15	71	68
" 404		17	28
" 405		55	80
" 406		59	80
" 407		18	22
" 408	S-15	17	22
" 409		48	57
" 410		112	38
" 411		84	62
" 412		57	51
" 413		33	63
" 414	A	68	45
" 415	B	58	42
" 416		38	18
" 417		201	56
" 418		115	84
" 419		114	42

PRECINCT Machine Vote

Yes No

Wayne 446		114	72
" 450		214	85
" 451		104	23
" 452	A	119	53
" 453	B	153	65
" 454		193	67
" 455		222	86
" 456		136	107
" 457	A	81	44
" 458	B	84	49
" 459		174	60
" 460		138	71
" 461		20	5
" 462		29	11
" 463		78	86
" 464		115	124
" 465		128	67
" 466		169	78
" 467	R-14	21	27
" 468	R-15	95	72
" 469		65	36
" 470		153	107
" 471		94	71
" 472		51	124
" 473		107	95
" 474		154	73
" 475		197	61
" 476	A	148	52
" 477	B	143	48
" 478		150	56
" 479		109	57
" 480		181	129
" 481	A	174	41
" 482	B	182	47
" 483	A	142	54
" 484	B	112	70
" 485		134	78
" 486		45	77
" 487		130	105
" 488		126	96
" 489		92	47
" 490		44	27
" 491		57	45
" 492		110	102
" 493		87	92
" 494		123	102
" 495		67	81
" 496		105	57

1



THE CITY OF FORT WAYNE

office of city plan commission

June 3, 1974

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-74-04-14

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
3rd day of June, 1974.

Thomas J. Offerle

Secretary

DATE 6-11-74 MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE
office of city plan commission

June 3, 1974

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1)
zoning ordinance amendment.

1. Bill No. Z-74-04-14

This ordinance was requested to be withdrawn by written
request by the petitioner, as attached to the ordinance.

Petitioner has now sold the property in question and is
no longer requesting a change in zoning.

If there are any questions with regard to this ordinance, please feel
free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION

Richard S. Wanush
Richard S. Wanush
Senior Planner

RSW:pr
ATT.

CC: Mayor Ivan Lebamoff

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 9, 1974, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-74-04-14; and,

WHEREAS, the required notice of public hearing on such proposed ordinance was set to be published on July 5, 1974; and,

WHEREAS, the City Plan Commission was scheduled to conduct a public hearing on such proposed ordinance on July 15, 1974;

WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission by the petitioner requesting the change in zoning; and,

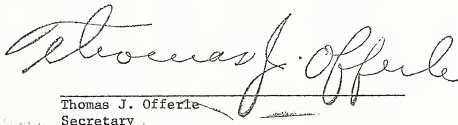
WHEREAS, the petitioner has stated that he has now sold the property in question, whereby there is no need for a change in zoning classification.

NOW THEREFORE BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be WITHDRAWN in accordance with the written request of the petitioner;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted by the City Plan Commission.

Certified and signed this
3rd day of June, 1974.



Thomas J. Offerle
Secretary

LICENSED EMPLOYMENT AGENCY

Professional Search

ANTHONY WAYNE BANK BLDG. * SUITE 1107 * BERRY AT CLINTON * FORT WAYNE, INDIANA 46802 * PHONE [219] 422-9446

May 30, 1974

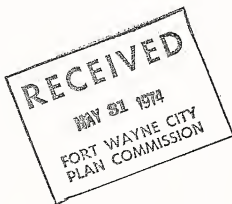
Patsy Rumsey
City Planning Office
City-County Building
Fort Wayne, Indiana

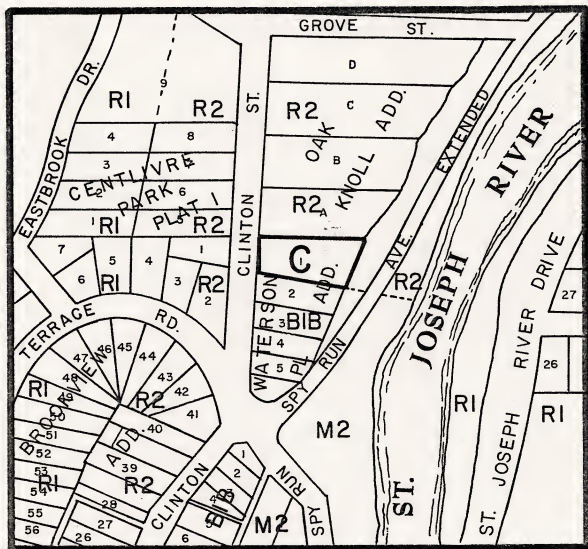
Dear Ms. Rumsey:

Please withdraw our request for rezoning z-74-04-14 commonly known as
2698 North Clinton St.- Waterson Place.

Jerome C. Jehl

JJ/cle





C CHANGE FROM R2 TO R3

Z-74-04-14

N





THE CITY OF FORT WAYNE

office of city plan commission

11 June 1974

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
Fort Wayne, Indiana 46802

Gentlemen and Ms. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. G-74-05-47

Respectfully submitted,

CITY PLAN COMMISSION

Thomas J. Offerle

Thomas J. Offerle
Secretary

Certified and signed this
11th day of June 1974.

MADE A MATTER OF RECORD
DATE 6-11-74 CHARLES W. WESTERMAN, CITY CLERK

CITY PLAN COMMISSION
City-County Building
One Main Street
Fort Wayne, Indiana

11 June 1974

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Ms. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at a special meeting held June 10, 1974. In addition to the reasons outlined in the resolution, the following additional remarks pertain to the ordinance involved:

1. Bill No. G-74-05-47 (Amended)

A. Recommendation: DO PASS

B. Reasons:

- (1) This ordinance is in response to the City's recent application for participation in the Federal Flood Insurance Program.
- (2) This commitment obligates the City to develop a flood plain management and control program.
- (3) The attached ordinance meets all of the requirements of a sound flood plain management and control program, and,
- (4) The attached ordinance meets all of the requirements established by the Federal Government.

If there are any questions regarding this ordinance, please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION



Richard S. Wanush
Senior Planner

RSW:pb

ATT.

CC: Ivan A. Lebamoff, Mayor

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 28, 1974, referred a proposed zoning ordinance amendment to the City Plan Commission which proposed ordinance was designated as Bill No. G-74-05-47; and,

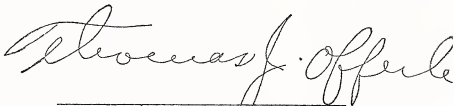
WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 10, 1974;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS as amended, for the reasons that a need has been shown for the local management and control of the flood plain, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 10, 1974.



Certified and signed this
11th day of June 1974.

Thomas J. Offerle
Secretary

GENERAL ORDINANCE NO. G-74-

An Ordinance amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, by adding thereto "Article X, Flood Plain Management and Control."

WHEREAS, the flood hazard areas of Fort Wayne, Indiana are subject to loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety, and general welfare; and,

WHEREAS, these flood losses are caused by (1) cumulative effect of obstructions in flood heights and velocities; (2) the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other lands are inadequately elevated or otherwise protected from flood damages; and,

WHEREAS, to push back the cost of floods, national and state policy on flood management has shifted from a primary emphasis on structural controls to a balance between structural and regulatory controls.

NOW THEREFORE, BE IT ORDAINED, By The Common Council of The City of Fort Wayne, Indiana;

Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1964, as amended, is hereby amended by adding thereto the following Article:

ARTICLE X - Flood Plain Management and Control

Section 40. General Criteria For Flood Plain Regulations.

A. Objectives - the objective of these criteria are to provide a uniform basis for the preparation and implementation of sound flood plain regulations for Fort Wayne's rivers and streams to:

- (1) Protect human life and health.
- (2) Protect individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- (3) Provide for public awareness of the flooding potential.
- (4) Minimize public and private property damage.
- (5) Minimize surface and ground-water pollution which will affect human, animal, or plant life.
- (6) Control flood-plain uses such as fill, dumping, storage of material, structures, buildings, and any other works which acting alone or in combination with other existing or future uses which will cause damaging flood heights and velocities by obstructing flows and reducing valley storage.

- (7) Control development which will, when acting alone or in combination with similar developments, create an unjustified demand for public investment in flood-control works by requiring that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction.
- (8) Control development which will, when acting alone or in combination with similar development, cause flood losses if public streets, sewer, water, and other utilities must be extended below the flood level to serve the development.
- (9) Control development which will, when acting alone or in combination with similar development, create an additional burden to the public to pay the costs of rescue, relief, emergency preparedness measures, sandbagging, pumping and temporary dikes or levees.
- (10) Control development which will, when acting alone or in combination with similar development, create an additional burden to the public for business interruptions, factory closings, disruption of transportation routes, interference with utility services, and other factors that result in loss of wages, sales, production, and tax write offs.
- (11) Help maintain a stable tax base by the preservation or enhancement of property values for future flood-plain development. In addition, development of future flood-blight areas on flood plains will be minimized and property values and the tax base adjacent to the flood plain will be preserved.

Section 41. Definitions - Whenever used or referred to in this ordinance unless a different meaning appears from the context:

A. "Board" - Board of Zoning Appeals

B. "Commission" - Fort Wayne City Plan Commission

C. "Flood" or "Flood Water" - means the water of any river or stream in the State or upon or adjoining any boundary line of the State which is above the bank and/or outside the channel and banks of such river or stream.

D. "Flood Hazard Areas" - means those areas of the flood plain which have not been adequately protected from flooding by the regulatory flood by means of dikes, levees, reservoirs, or other works approved by the Commission.

E. "Flood Plain" - means the area adjoining the river or stream which has been or may hereafter be covered by flood water.

F. "Flood-Proofing" - a combination of structural provisions, charges, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood-hazard area.

G. "Flood Protection Grade" - means the elevation of the lowest point around the perimeter of a building at which flood waters may enter the interior of the building.

H. "Floodway" (FW) see (M) "Regulatory Floodway"

I. "Floodway Fringe" (FF) - means those portions of

the flood hazard areas lying outside the floodway.

- J. "General Flood-Plain District" (GF) see (D) "Flood Hazard Areas"
- K. "INRC" - The Indiana Natural Resources Commission
- L. "Obstruction" - any dam, wall, wharf, embankment levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood-hazard area which may impede retard, or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.
- M. "Regulatory Flood" - means that flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a one hundred year period, as calculated by a method and procedure which is acceptable to and approved by the Commission. This flood is equivalent to a flood having a probability of occurrence of one percent in any given year.
- N. "Regulatory Flood Profile" - means a longitudinal profile along the thread of a stream showing the maximum water surface elevations attained by the regulatory flood.
- O. "Regulatory Floodway" or "Floodway" - means the channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.
- P. "River or Stream" - shall mean all open channels, whether natural, man-made, or notified by man, which carry or discharge water.

Section 42. Flood Hazard Area Delineation.

The areal extent of the flood hazard area shall include all land as indicated on maps supplied by the Army Corps of Engineers, the Soil Conservation Service and the Department of Housing and Urban Development. The regulatory floodway, floodway fringe, the peak discharge and the flood profile shall be determined by the INRC utilizing the best available technology and shall be approved by the Commission.

Section 43. Establishment of District Boundaries.

The mapped flood-hazard areas within the jurisdiction of this ordinance are hereby designated as the GENERAL FLOOD-PLAIN DISTRICT (GF). The boundaries of this district shall be shown on the official Zoning Map. Within this district all uses not permissible by right or as special-permit uses shall be prohibited.

Section 44. District Boundaries Changes Thereto.

The "General Flood-Plain District" shall be divided into a "Floodway (FW)" and a "Floodway Fringe (FF) District" upon determination and delineation by the INRC and the Commission.

When this division occurs the provisions outlined in Section 46 and 47 shall automatically take effect.

Section 45. General Flood Plain District. (GF)

- A. General Provisions and Uses. It is the intent of this ordinance to control and manage the uses of land in the General Flood Plain (GF) so as to meet the objectives identified and superimposed over the existing zoning districts. However, before an Improvement Location Permit can be issued for any permitted uses, the Zoning Enforcement Officer must ascertain whether said use or accompanying structure will be detrimental to the objectives identified in Section 40. A. (1) - (11).
- B. General Use Permit. All construction, building, alteration of structures or land, change of use, or initiation of a new use in the General Flood Plain will require a "general use permit" before the issuance of an Improvement Location Permit. This "General Use Permit" shall be granted by the Zoning Enforcement Officer.
- C. Procedures Being Followed Regarding Construction in General Flood Plain District.

(1) All plans submitted to the Commission for either approval by the Commission or application for Improvement Location Permits will be checked against the official Zoning Map. If the site location falls within a flood hazard area a location map and letter will be submitted to the INRC for their recommendation. Until comment is received from the INRC NO action will be taken by the Commission.

(2) Based upon the technical evaluation of the INRC, the Zoning Enforcement Officer shall determine and evaluate the specific flood hazard at the site and shall determine the suitability of the proposed use in relation to the potential flood hazard. If he finds the proposed use suitable, he will issue a "General Use Permit". Upon issuance of this permit an Improvement Location Permit shall be issued forthwith provided the other requirements of this ordinance have been satisfied.

If upon receipt of comments by the INRC, he finds that the proposed use is unsuitable in relation to the potential flood hazard, he shall deny the application for a "General Use Permit". The applicant may then file for a hearing before the Commission if he so chooses. The applicant shall have the burden of proof to establish that the permit was wrongfully denied.

Both the Commission and the Zoning Enforcement Officer shall consider the factors listed in Section 46 D (2) when making their decision on the suitability of the proposed use.

Section 46. Floodway Districts.(FW)

- A. Permitted uses within a regulatory floodway district. The following land uses have acceptable low flood damage potential and shall not require a special permit for construction in the floodway, provided they do not involve any structure, obstruction, deposit, or excavations. This list is intended

to include examples of open space uses which will not adversely affect the efficiency of or unduly restrict the capacity of the regulatory floodway and are reasonably tolerant of the presence of flood waters.

- (1) Agricultural uses such as the production of crops, pastures, orchards, plant nurseries, vineyards, and general farming.
 - (2) Forestry, wildlife areas, and nature preserves.
 - (3) Park and recreational uses, such as golf courses, driving ranges, and play areas.
- B. Special Exception Uses - Floodway Districts. The following uses of land may have unacceptable flood damage potential; involve structures, obstructions, deposits, or excavation which may adversely affect the efficiency of or unduly restrict the capacity of the regulatory floodway; constitute an unreasonable hazard to the safety of life or property; or result in unreasonable detrimental effects upon fish, wildlife, and botanical resources. These uses will require a "Special Permit" for construction in the Floodway as provided in "Special Permit" uses, of this ordinance. In general, these uses involve water management structures, transportation facilities, temporary or seasonal flood plain occupancy, or public, industrial, and commercial uses which are either dependent on their proximity to water or are reasonably open in nature and flood tolerant.
- (1) Water management and use facilities, such as dams, docks, dolphins, channel improvements, dikes, jetties, groins, marinas, piers, wharves, levees, seawalls, floodwalls, weirs, and irrigation facilities.
 - (2) Transportation facilities, such as streets, bridges, roadways, fords, airports, pipe lines, railroads, and utility transmission facilities.
 - (3) Temporary or seasonal flood plain occupancy, such as circus sites, fair sites, carnival sites, boat ramps, camps, roadside stands, and transient amusement facility sites.
 - (4) Water-related urban uses, such as wastewater treatment facilities, storm sewers, electrical generating and transmission facilities, and water treatment facilities.
 - (5) Other flood tolerant or open urban uses, such as flood-proofed industrial and commercial buildings, race tracks, tennis courts, park buildings, outdoor theatres, fills, truck freight terminals, radio or TV towers, parking lots, and mineral extractions.
- C. Standards for Floodway Special Use Permit Uses. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees) deposit, obstruction, storage of materials or equipment, or other use may be allowed as a special exception use which, acting alone

or in combination with existing or future uses, unduly affects the capacity of the floodway or unduly increases heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. In addition all floodway special-permit uses shall be subject to the standards contained in Section 46 D (2) of this Article.

D. Procedures for Development Within Floodway.

(1) Any use listed in this ordinance as requiring a special use permit may be allowed only upon application to the Zoning Enforcement Officer on forms furnished by him and the issuance of a "Special Permit". Upon receipt of the application the Zoning Enforcement Officer shall forthwith submit it to the Commission.

(2) Procedure to be followed by the Commission in passing on special permits. Upon receiving an application for a special permit involving the use of fill, construction of structures, or storage of materials, the Commission shall, prior to rendering a decision thereon; request and receive the recommendation of the INRC as to the suitability of the proposed use in relation to the flood hazard. In passing upon such applications, the Commission shall consider all relevant factors specified in other sections of this ordinance:

- a. The danger of life and property due to increased flood heights or velocities caused by encroachments.
- b. The danger that materials may be swept on to other lands or downstream to the injury of others.
- c. The proposed water supply and sanitation systems and the ability to these systems to prevent disease, contamination, and unsanitary conditions.
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- e. The importance of the services provided by the proposed facility to the community.
- f. The requirements of the facility for a waterfront location.
- g. The availability of alternative locations not subject to flooding for the proposed use.
- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- i. The relationship of the proposed use to the comprehensive plan and flood-plain management program for the area.
- j. The safety of access to the property in times of flood or ordinary and emergency vehicles.

- k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
1. Such other factors which are relevant to the purposes of this ordinance.

E. Fill.

(1) Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.

(2) Such fill or other materials shall be protected against erosion by riprap, vegetation cover, or bulkheading.

F. Structures (temporary or permanent).

(1) Structures shall not be designed for human habitation.

(2) Structures shall have a low flood-damage potential.

(3) The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.

a. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flow of flood waters.

b. So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures.

(4) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and,

(5) Service facilities such as electrical and heating equipment shall be constructed at or above the regulatory flood-protection elevation for the particular area or flood-protected.

G. Storage of Material and Equipment.

(1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

(2) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

Section 47. Floodway-Fringe District. (FF)

- A. Floodway-Fringe District. All facilities, structures, and buildings normally found in a community, such as businesses, medical facilities, community and government buildings, industrial facilities, restaurants, commercial facilities, storage facilities, utility buildings, amusement facilities, residential buildings, and civic or fraternal facilities, may be constructed in a floodway fringe district provided that the flood protection grade

for all buildings shall be at least at or above the regulatory flood profile and that the zoning shall be proper.

- B. Procedure. Before the issuance of an Improvement Location Permit, the Zoning Enforcement Officer shall determine that the proposed use meets the requirements and intent of this ordinance.

Section 48. Conditions Attached to "Special Permits".

Upon consideration of the factors listed above and the purpose of this ordinance, the Commission may attach such conditions to the granting of special permits and variances as it deems necessary to further the purposes of this ordinance.

Section 49. Nonconforming Uses.

All land uses now existing in flood hazard areas not in full compliance with this rule shall be considered a nonconforming use. Except for normal maintenance, any building which constitutes a nonconforming use may be altered, repaired, enlarged, or extended, provided such alterations, repairs, enlargements, or extensions do not increase the value of the building, excluding the value of the land, by more than fifty percent (50%) of its pre-improvement market value, and the alterations, repairs, enlargements, or extensions are not otherwise prohibited or restricted by state law or local ordinances. Any building which constitutes a nonconforming use which is damaged by flood, fire, explosion, act of God, or the public enemy, may be restored to its original dimensions and condition, provided the damage does not reduce the value of the land by more than fifty percent (50%) of its pre-damaged market value. Any repairs, alteration, enlargements, or extensions, of any existing nonconforming use which does not involve a building is subject to the provisions of this ordinance.

Section 50. Variances.

This ordinance promulgates standards and procedures essential to assure reasonable protection to present and future uses within the flood plain. However, there may be a need from time to time, to permit variances from these standards in particular cases within areas which are almost entirely developed. The Board may grant such variances only where the following conditions are met:

- (1) The structure or use is located on a lot of one half acre or less and is surrounded by existing structures; and,
- (2) Good and sufficient cause exists for granting the variance; and,
- (3) Failure to grant the variance would result in extreme hardship to the owners of the land; and,
- (4) All possible efforts are made to minimize potential flood damages.

If the Board grants a variance according to the above, it must give written notice to the applicant. This written

notice shall include:

- (1) The fact that the proposed structure will be located in a flood prone area.
- (2) The number of feet that the lowest floor of the proposed structure will be below the 100-year flood level.
- (3) The fact that the flood insurance rates will be increased commensurate with the distance below the 100-year flood level.

This notice shall be attached to the building permit and must be displayed with it.

Section 51. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice or debris jams. This ordinance does not imply that area outside flood hazard areas, as defined herein, will be free from flooding or flood damages. This ordinance does not create liability on the part of the State of Indiana, the INRC, the Board, the Commission, or the City of Fort Wayne, or any elected or appointed official or employee thereof for any flood damages that result from reliance on this rule or any administrative decision lawfully made thereunder.

Section 52. Severability.

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Councilman

confirming Declaratory Resolution No. R-13-74 and the execution of the policy thereof, and authorizing and directing the execution and performance of the contract for lease of municipal electric utility system owned and operated by the said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

Paul M. Burns
James S. Stier
Vivian G. Schmidt
Donald J. Schmidt
Eugene Kraus, Jr.

Concurred in 6-11-74

Charles W. Westerman
City Clerk

BILL NO. G-74-05-49

GENERAL ORDINANCE NO. G-18-74

AN ORDINANCE confirming Declaratory Resolution No. R-13-74 and the execution of the policy thereof, and authorizing and directing the execution and performance of the contract for lease of the municipal electric utility system owned and operated by the City of Fort Wayne, Indiana, to Indiana & Michigan Electric Company

WHEREAS, the Common Council of the City of Fort Wayne, Indiana (Common Council) at its regular meeting held on March 12, 1974, adopted its Declaratory Resolution No. R-13-74 (hereinafter referred to as "Declaratory Resolution"), which included, and made a part thereof, the contract for lease of the municipal electric utility system, with certain exceptions (hereinafter referred to as "Lease Agreement") owned and operated by the City of Fort Wayne, Indiana (hereinafter referred to as "City"), to Indiana & Michigan Electric Company (hereafter referred to as "Company"):

WHEREAS, the Declaratory Resolution provided that the Common Council shall, and does pursuant to such Resolution, submit to the qualified voters of the City such Resolution at a special election called and to be held in Fort Wayne, Indiana on the 7th day of May, 1974, all in accordance with the law in such case made and provided;

WHEREAS, notice of said special election was published in accordance with the law on April 17, 1974 and April 24, 1974 in the Fort Wayne Journal-Gazette and the Fort Wayne News-Sentinel, newspapers printed and of general circulation in Fort Wayne;

WHEREAS, upon due and legal notice such special election was called and held in accordance with the law on May 7, 1974, and at such special election 17,589 votes were cast For the Declaratory Resolution and 10,386 votes were cast Against the Declaratory Resolution;

WHEREAS, the Public Service Commission of Indiana by its Order entered on March 29, 1974 in its Cause No. 33638 has given, in the manner and to the extent required by law, its authorization to, and approval of, the Lease Agreement; and

WHEREAS, it is the opinion of the Common Council that there is necessity for the City to enter into the Lease Agreement, and it is in the best interest of the City so to do.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Declaratory Resolution be, and the same is, hereby confirmed, and the City and its Common Council shall proceed to execute the policy thereof.

SECTION 2. The Mayor is hereby authorized to execute, and the City Clerk to attest, the Lease Agreement in the form included in and made a part of the Declaratory Resolution and the Mayor is further authorized and the City Clerk to attest, all other instruments, documents and papers supplemental or incidental to said Lease agreement and all instruments, documents and papers necessary or proper in connection with the execution of the Lease Agreement by the City.

SECTION 3. The proper officers of the City as provided by law and the Lease Agreement, be and they are hereby, authorized and empowered to execute any and all instruments, documents and papers, and do or cause to be done any and all acts or things, necessary or proper in order to perform and comply with all the obligations and undertakings of the City under the Lease, and to obtain compliance and performance by the Company of all its obligations and undertakings under the Lease Agreement.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Hinga, and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Kraus, Moses, Nuckols, D. Schmidt, V. Schmidt,
Stier, Talarico

Nays: None

Date: 6-11-74

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-18-74 on the 11th day of June, 1974.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of June, 1974, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of June, 1974, at the hour of 2:00 o'clock P.M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. X-72-12-08

REPORT OF THE COMMITTEE ON ANNEXATION

We, your Committee on Annexation to whom was referred an Ordinance annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No. 2, and repealing certain Annexation Ordinance have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

James S. Stier
Vivian G. Schmidt
Donald J. Schmidt
Eugene Kraus, Jr.
Paul M. Burns

Concurred in 6-11-74

Charles W. Westerman
City Clerk

The Council then adjourned.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 11th dya of June, 19 74; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 11th day of June, 19 74 .

Charles W. Westerman
City Clerk

SEAL